



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.04.2017

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THE HON'BLE MR.JUSTICE V.PARTHIBAN

W.P.(MD) No.5672 of 2017

1. Gnanamalar
 2. Minor.Ritheesh
through his mother and
natural guardian, the 1st petitioner
- ... Petitioners

-vs-

1. The Tahsildar,
Office of the Taluk Office,
Aruppukkottai Taluk,
Virudhunagar District.
 2. Tamilselvi
- ... Respondents

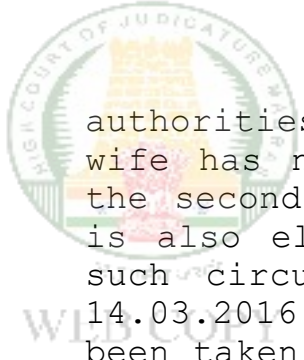
Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 1st respondent to issue the petitioner legal heir certificate in the names Tamilselvi, Gnanamalar and Rithees by considering the petitioner's application dated 14.03.2016.

For Petitioners : Mr.M.Solaisamy
For Respondents : Mr.D.Muruganantham, AGP for R1
Mr.D.Selvanayagam for R2

O R D E R

The petitioner has approached this Court for the relief states supra.

2.The petitioner is the second wife of one Ilango, who was working as second grade Constable at Department of Prison, Tamilnadu. The second respondent herein is the first wife of the said Ilango. According to the petitioner, due to ill-health, said Ilango expired on 25.06.2009. On the death of the said Ilango, some terminal benefits are due to the family of Ilango. However, the same could not be received or obtained or sanctioned because of non production of proper legal heirship certificate to the



authorities concerned. According to the petitioner, the first wife has no issue, whereas, the said Ilango had one son through the second marriage. In such circumstances, the petitioner's son is also eligible as one of the legal heirs of said Ilango. In such circumstances, the parties submitted an application dated 14.03.2016 to the first respondent. But, till date, no action has been taken on the application stated to have been submitted by the parties. Therefore, the petitioner is before this Court for issuance of writ of mandamus.

3. Heard the learned counsels for the parties.

4. The learned counsel appearing for the second respondent would have no objection for issuing direction as prayed for in the writ petition.

5. In view of the above submission, the first respondent is directed to take a decision for issuance of legal heir certificate to the petitioner after conducting an enquiry and pass orders, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above observation, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To:

The Tahsildar,
Office of the Taluk Office,
Aruppukkottai Taluk,
Virudhunagar District.

+ 1 CC TO Mr.D.SELVANAYAGAM, ADVOCATE IN SR No. 51052
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 51511
+ 1 CC TO Mr.M.SOLAISAMY, ADVOCATE IN SR No. 51308

ARUL

TE/RR/SAR-IV : 20/04/2017 : 2P/5C

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10.04.2017